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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,946	06/26/2003	Paul D. Manos	047204/265198	4425
826 7590 04/06/2007 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER FLETCHER III, WILLIAM P	
			ART UNIT 1762	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/606,946

Applicant(s)

MANOS, PAUL D.

Examiner

William P. Fletcher III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,7,10-16,22,23,26 and 29 is/are rejected.
- 7) ☒ Claim(s) 2, 4, 5, 8, 9, 17-21, 24, 25, 27, 28, 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. The amendment and remarks filed January 18, 2007, are noted and appreciated.
2. Claims 1-30 remain pending.

### *Response to Arguments*

3. Applicant's arguments, see the remarks, filed January 18, 2007, with respect to the rejections set-forth in the prior Office action, have been fully considered in light of Applicant's amendment and are persuasive. The rejections are withdrawn.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 6, 7, 10, 14, 16, 22, 23, 26, 35, 40, 41, 44, 45, 47, 53, 54, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Varley et al. (US 5,614,268 A).**

With respect to claims 1 and 16, Varley teaches a method in which an anti-corrosion coating is applied to the surface of a metal (abstract). The anti-corrosion coating includes a C<sub>6</sub>-C<sub>10</sub> carboxylic acid (1:65-2:17), which reads on applicant's claimed "lower alkyl carboxylic acid" (see p. 6 of the specification). Insofar as Varley discloses resistance to humidity cabinet treatment (see 2:bottom-3:top), it is the examiner's position that the coating formed is "moisture-retentive."

With respect to claim 6, Varley's coating composition, which reads on "moisture-retentive," includes at least one of the categories of compounds recited in this claim.

With respect to claim 7, Varley discloses a polar solvent (2:34-36).

With respect to claim 10, Varley teaches 10-25% by weight carboxylic acid (2:16-18).

With respect to claim 14, Varley teaches that the composition may be used as a lubricant (1:5-25).

With respect to claim 22, Varley teaches that the composition is "pharmacologically safe and non-toxic" (1:49-51). It is the examiner's position that this reads on the composition's being "ingestible by humans."

With respect to claim 23, insofar as the composition is, overall, anti-corrosive, and contains components in addition to the carboxylic acid, it is the examiner's position that Varley reads on this claim.

With respect to claims 26, Varley teaches selecting a suitable solvent (2:33-36).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 3, 11-13, 15, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varley et al.**

With respect to claim 3, insofar as the overall coating composition of Varley

imparts both corrosion resistance and moisture retention, it is well-known to repeat a coating step to build-up a coating of a desired thickness, which meets the limitations recited in this claim.

With respect to claim 11, although not explicitly recited by Varley, it is well-known to adjust the concentration of a coating composition in order to give desired coating characteristics (viscosity, flowability, etc.), as well as desired (in this particular case) substrate protection. Consequently, it would have been obvious to one of ordinary skill in the art to optimize the concentration of the coating composition by routine experimentation.

With respect to claim 12, it is well-known to repeat a coating step to build-up a coating of a desired thickness.

With respect to claim 13, Varley explicitly teaches that the coating composition is spray-applied electrostatically (3:top), but the method is clearly not limited thereto. It is the examiner's position that any suitable method, including painting, would have been obvious to one of ordinary skill in the art as an equivalent means of applying the coating composition.

With respect to claim 15, Varley does not explicitly teach that using the composition as a pump oil or brake fluid. Because Varley does teach, broadly, using the composition a lubricant for a metal, it would have been obvious to one of ordinary skill in the art to also use the composition as a pump oil or brake fluid, both of which are specific uses of lubricants for metals.

With respect to claim 29, Varley does not teach immersing the substrate in the coating composition. It is the examiner's position that any suitable method, including dip-coating, would have been obvious to one of ordinary skill in the art as an equivalent means of applying the coating composition.

***Allowable Subject Matter***

8. Claims 2, 4, 5, 8, 9, 17-21, 24, 25, 27, 28, and 30, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The prior art neither teaches nor suggests the limitations of these claims.

***Conclusion***

10. The prompt development of clear issues in the prosecution history requires that applicant's reply to this Office action be fully responsive (MPEP § 714.02). When filing an amendment, applicant should specifically point out the support for any amendment made to the disclosure, including new or amended claims (MPEP §§ 714.02 & 2163). A fully responsive reply to this Office action, if it includes new or amended claims, must therefore include an explicit citation (i.e., page number and line number) of that/those portion(s) of the original disclosure which applicant contends support(s) the new or amended limitation(s).

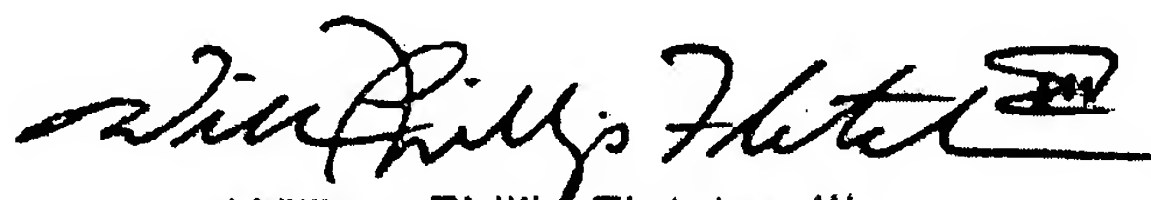
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571)

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272-1419. The examiner can normally be reached on Monday through Friday, 0900h-1700h.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



William Phillip Fletcher III  
Primary Examiner  
Art Unit 1762

April 2, 2007